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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Planning Commission**

MEETING DATE November 12, 2015	CONTACT/PHONE Airlin M. Singewald asingewald@co.slo.ca.us (805) 781-5198	APPLICANT Alan Vander Horst	FILE NO. DTM2015-00004
<b>SUBJECT</b> Determination of conformity with the General Plan for the abandonment of the northwesterly end (an approximately 350-foot segment) of Old Creamery Road, located about 430 feet northwest of Harmony Valley Road in the town of Harmony. The project site is located in the Commercial Retail land use category within Rural North Coast Planning Area.			
<b>RECOMMENDED ACTION</b> Receive and file the determination that the proposed road abandonment is in conformity with the County General Plan.			
<b>ENVIRONMENTAL DETERMINATION</b> This General Plan Conformity Report is not considered a project under CEQA and therefore does not require an environmental determination. Any subsequent land use permit application, however, would require an environmental determination.			
<b>LAND USE CATEGORY</b> Commercial Retail	<b>COMBINING DESIGNATION</b> Local Coastal Program, Flood Hazard; Coastal Stream & Riparian Vegetation	<b>ASSESSOR PARCEL NUMBER</b> N/A – County Right of Way	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> None applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> None applicable			
<b>EXISTING USES:</b> Paved road, bridge			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Commercial Retail / commercial buildings East: Agriculture/ rangeland, undeveloped South: Commercial Retail / commercial buildings, single family residence West: Agriculture/ rangeland, undeveloped			
<b>TOPOGRAPHY:</b> Generally level			
<b>PROPOSED SERVICES:</b> Water Supply: N/A Sewage Disposal: N/A Fire Protection: N/A			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

## PROJECT DESCRIPTION

The proposed project is a request for the abandonment of the County's interest of the northwesterly end (an approximately 350-foot segment) of Old Creamery Road, located about 430 feet northwest of Harmony Valley Road in the town of Harmony. This is the stretch of Old Creamery Road that is developed with commercial buildings, including the Harmony Valley Creamery building, and a single family residence. The southern end of the abandonment area avoids the frontage of the single family residence adjacent to the creamery building on the north side of the road. The abandonment area includes a 60-foot right-of-way with a 25-foot wide paved road, a brick sidewalk (north side), approximately 10-foot aggregate base shoulder (south side), and a one lane bridge that crosses Perry Creek.

Old Creamery Road, which was originally part of Highway 1 before it was realigned to its current location, is the main road providing access to the town of Harmony parcels as well as the agricultural parcel at the end of road, across Perry Creek. The Department of Public Works has reviewed the road abandonment request and in a letter, dated August 25, 2015, advised the applicant: "After preliminary review, the Department is in support of the abandonment from Harmony Valley Road north to its termination as a County Maintained Road (including the bridge structure), as long as concurrence is received from the adjacent ownerships." The applicant has since revised the abandonment request to include only the northerly 350-foot segment fronting the developed Harmony town parcels (those owned by the applicant), but not including the area fronting the single family residence immediately south of the creamery building. This change was due to concerns from the adjacent property owners along the more southerly segment of Old Creamery Road.

State law requires a determination of General Plan conformity for any sale or abandonment of County owned real property before approval or property transfer. Once the general plan conformity report has been received and filed, the Board of Supervisors will make the determination to approve or disapprove the proposed abandonment of real property. California Government Code Section 65402 requires that the planning agency first find that the proposed vacation of the County's Road Easement be in conformity with the County's General Plan.

The County General Plan and Coastal Zone Land Use Ordinance require new parcels to have legal and physical access. Any road abandonment that eliminates legal access to adjacent parcels would therefore be inconsistent with the County General Plan. The applicant has indicated that they will create and record access easements for the properties to the north of the Perry Creek bridge. This would ensure legal access and conformance with the County General Plan and Coastal Zone Land Use Ordinance.

The North Coast Area Plan, which is part of the Land Use Element of the County General Plan, describes the town of Harmony:

The most southerly [commercial] development is located at Harmony. Once the site of the Harmony Valley Creamery Association, the creamery and several surrounding buildings were purchased in 1970 and developed as a handmade crafts center with a restaurant and gift shops. The old post office has remained to serve the surrounding rural areas. Continued development of tourist shops and attractions is anticipated.

Framework for Planning, which is part of the Land Use Element of the County General Plan, provides the following purpose and character statement for Visitor-Serving Commercial Areas:

To provide limited areas for highway traveler services and uses associated with tourists and vacationers within urban areas on collectors or arterials or in rural areas where other commercial areas are distant.

Although the post office closed in 2008, the town of Harmony is an active commercial area with a gift shop, glass blowing business, creamery building, and art studio. The proposed road abandonment would allow for streetscape improvements and vehicle parking in support of existing and future visitor-serving uses consistent with the General Plan's vision for this area.

## GENERAL PLAN CONFORMITY

When the acquisition or abandonment of real property or the construction of structures is proposed within an unincorporated area, the proposal must be evaluated for consistency with the General Plan before the action is authorized. Pursuant to Government Code Section 65100, the Department of Planning and Building is authorized to prepare and issue conformity reports that are required by Government Code Section 65402. This conformity report is required to evaluate whether the proposed abandonment of real property is consistent with the County General Plan.

The determination of conformity is to be based on the county General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in Framework for Planning, Part I of the Land Use Element, that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.

*Staff Response: The proposed road abandonment would allow for streetscape improvements and vehicle parking in support of existing and future visitor-serving uses consistent with the North Coast Area Plan's vision for this area and the Land Use Element's purpose and character statements for visitor-serving Commercial Retail areas. The road abandonment will not interfere with the opportunity to develop or access surrounding properties because the applicant owns the Harmony town parcels immediately to the north and south of the road segment to be abandoned and will create and record private access easements for the properties to the north of the Perry Creek bridge. The Department of Public Works supports the road abandonment provided that the applicant is able to show concurrence from the adjoining property owners. There is no specific plan or facility master plan applicable to the project site.*

2. The project is consistent with the goals, objectives and policies of the Land Use Element and any other applicable General Plan element.

*Staff Response: The proposed project is consistent with the goals and policies of the Land Use Element because it will allow for streetscape improvements and vehicle parking in support of existing and future visitor-serving uses consistent with the North Coast Area Plan's vision for this area and the Land Use Element's purpose and character statements for Visitor-Serving Commercial Areas.*

3. A proposed construction project is designed in conformance with the standards of the Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element area plan.

*Staff Response: Not applicable.*

4. The abandonment or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the General Plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community.

*Staff Response: The abandonment will not interfere with the opportunity to develop or access adjacent public sites or structures. The surrounding sites and structures are privately owned. The road abandonment will not interfere with the opportunity to develop or access surrounding properties because the applicant owns the Harmony town parcels immediately to the north and south of the road segment to be abandoned and will create and record private access easements for the properties to the north of the Perry Creek bridge. The Department of Public Works supports the road abandonment provided that the applicant is able to show concurrence from the adjoining property owners.*

## DETERMINATIONS AND FINDINGS

The proposed vacation is in conformity with the county General Plan based on the following findings:

- A. The elimination of the County road easement would not eliminate, delay or unreasonably interfere with the opportunity to develop structures as identified in the General Plan because the applicant owns the Harmony town parcels immediately to the north and south of the road segment to be abandoned and will create and record private access easements for the properties to the north of the Perry Creek bridge. The road abandonment does not include the segment of Old Creamery Road south of the town of Harmony and will therefore not affect the agriculturally designated parcels between the project site and Harmony Valley Road.
- B. The elimination of the County road easement does not conflict with other elements of the County General Plan because eliminating public road easement ownership to the adjoining private property owner (the applicant) is consistent with the goals, objectives and policies of the other elements of the General Plan.
- C. Any future development that triggers the need for a discretionary permit (e.g. coastal development permit) would require further review and an environmental determination. Such development would be reviewed for compliance with applicable general plan policies and land use ordinance standards, and would require an environmental determination in accordance with the California Environmental Quality Act (CEQA).
- D. The vacation of the County's road easement for the northerly end of Old Creamery Road will not conflict with the applicable sections of the General Plan because the applicant owns the Harmony town parcels immediately to the north and south of the road segment to be abandoned and will create and record private access easements for the properties to the north of the Perry Creek bridge.

## Attachments

- 1. Graphics
  - Vicinity Map
  - Land Use Category Map
  - Aerial Map
  - Site Plan
- 2. Public Works Memorandum – August 25, 2015

Staff report prepared by Airlin M. Singewald and reviewed by Karen Nall.